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April 29, 2008

**MEMO ENDORSED**

VIA FACSIMILE

Honorable P. Kevin Castel  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

CLIENT/MATTER NUMBER

003336 0100

**USDS SDNY  
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Re: The Rockefeller University v. Ligand Pharmaceuticals, Inc.  
Case No. 08-Civ-02775 (PKC) (HP)

Dear Judge Castel:

This firm represents the Plaintiff, The Rockefeller University ("Rockefeller"), in the above referenced matter. I write in response to Ligand Pharmaceuticals, Inc.'s ("Ligand") April 25, 2008 letter to the Court. In its letter, Ligand asks this Court to delay the setting of a discovery schedule at the upcoming May 9, 2008 conference until Ligand's pending motion to dismiss or transfer has been decided. Rockefeller respectfully requests that the Initial Scheduling Conference go forward as scheduled on May 9, according to this Court's March 19, 2008 Order. Rockefeller has no objection to Ligand's request for the Court to hear oral argument on Ligand's pending motion on May 9, as well.

Rockefeller sees no reason to delay discovery in this matter. The crux of this litigation, as set forth more fully in Rockefeller's Complaint, is a dispute over Ligand's alleged termination of an exclusive 1992 licensing agreement between Ligand and Rockefeller ("1992 Agreement"). The 1992 Agreement, which is governed by New York law, provides for milestone and royalty payments to be paid to Rockefeller in return for Rockefeller's exclusive licensing to Ligand of certain Rockefeller technology. Ligand has failed to pay Rockefeller its share of milestone payments under the 1992 Agreement that Ligand has received as a result of exclusively sublicensing the Rockefeller technology to SmithKline Beecham ("SKB", now GlaxoSmithKline Kline). On the eve of SKB's submission to the Food & Drug Administration ("FDA") of a New Drug Application for Eltrombopag (Promacta®), Ligand attempted to terminate the 1992 Agreement and its obligation to pay Rockefeller. In the near future, Ligand likely will begin receiving substantial royalties from SKB, once Eltrombopag is approved. The FDA announced on March 3, 2008 that it had granted priority review of SKB's New Drug Application, which means that the FDA is expected to make a decision within six months of SKB's application date. Because Rockefeller is entitled to a percentage of the royalties earned by Ligand from sales of Eltrombopag, it is critical that this Court resolve the parties' dispute as expeditiously as possible. Rockefeller seeks its day in court and sees no reason to delay the advancement of this case until after Ligand's motion has been decided.

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In addition, Dr. Darnell, the Rockefeller University professor who discovered the groundbreaking inventions at issue in this litigation is Rockefeller's key witness. Dr. Darnell is seventy seven (77) years of age and resides and works in New York.

It should be noted that in its pending motion, Ligand has done little to advance its position that this case should be dismissed or transferred to California. This Court has personal jurisdiction over Ligand, and Ligand has provided an insufficient basis on which to transfer to California Rockefeller's first-filed New York suit, which is governed by New York law. Nonetheless, should this Court decide to dismiss this action or transfer it, any discovery taken in this jurisdiction would be applicable in the transferee jurisdiction and therefore, there is no reason to delay the commencement of discovery.

As indicated above, while Rockefeller objects to Ligand's request to delay the discovery scheduling order, should the Court wish to hear oral arguments on Ligand's motion at the previously scheduled May 9, 2008 Initial Scheduling Conference, Rockefeller is amenable to proceeding on the motion as well.

Respectfully submitted,

Peter N. Wang

cc: Simon Miller, Esq.  
Gregg Anderson, Esq.  
Darrell Olson, Esq.  
Joseph Reisman, Esq.

*I will move the conference  
in this matter from May 9 at 12:15 pm  
to May 8 at 2:15 p.m. which will  
give the parties enough time to hear the  
parties on the present motion.  
The parties should meet and confer  
on a case management plan.  
SO ORDERED.  
[Signature], USDT  
4-29-08*

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